

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00111-MR-WCM

HUGO FABIAN PINACHO VAZQUEZ,)

Plaintiff,)

v.)

ORDER

PATRICK ELIJAH TRANTHAM,)

Individually and as agent for)

Sylva Police Department;)

CHIP HALL,)

individually and in his official capacity)

as former Sheriff of Jackson County;)

SYLVA POLICE DEPARTMENT;)

CHRIS HATTON,)

Chief, individually and in)

his official capacity as)

Chief of Sylva Police Department;)

JACKSON COUNTY)

SHERIFF'S OFFICE;)

WESTERN SURETY INSURANCE)

COMPANY, *Surety on official surety*)

bond of the Sheriff of Jackson County;)

JOHN DOES 1-3; *individually and as*)

agents of Jackson County)

Sheriff's Office;)

Defendants.)

This matter came before the undersigned on January 12, 2024 for an Initial Pretrial Conference.

Approximately an hour before the Initial Pretrial Conference began, a legal assistant for Plaintiff's counsel, Russell L. McLean, III, sent an email

message to the undersigned's chambers and opposing counsel stating that Mr. McLean had been called into trial in Haywood Superior Court and that he would not be available at 9:30 a.m. (the time for the conference) and asking if the conference could be postponed "to around 11am, or he will join as soon as he is available."

When the conference convened, counsel for all Defendants appeared.¹

While unavoidable last-minute problems can arise, the possibility that Mr. McLean might be needed in state court for a trial on January 12, 2024 was, presumably, known by him well in advance of that date. However, no motion requesting that the conference be rescheduled was filed.²

In light of Mr. McLean's absence, and in the exercise of discretion, the undersigned did not proceed with the Initial Pretrial Conference and will reschedule that proceeding for **10:00 a.m. on Wednesday, January 17, 2024.**

At least one counsel of record for each party shall appear at that proceeding. Should counsel for any party fail to appear, the Court may proceed to conduct the conference and enter a case management plan without hearing from any non-appearing attorney(s) and may also consider the

¹ Preston W. Rollero appeared on behalf of the Sylva Police Department and Chris Hatton. However, as the docket does not show that Mr. Rollero has made a formal appearance, he should file an appropriate notice for that purpose.

² Notice concerning the Initial Pretrial Conference was published on December 27, 2023.

imposition of sanctions as appropriate pursuant to Rule 16 of the Federal Rules of Civil Procedure.

Any party seeking a continuance of this setting should promptly file a motion to that effect, showing consultation with opposing counsel and proposing specific dates and times on which counsel for all parties are available.

It is so ordered.

Signed: January 12, 2024

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

